

state commerce on or about September 18 and September 21, 1935, by C. W. Forgey, from Proctorville, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added deleterious ingredients, lead and arsenic, which might have rendered them dangerous to health.

On November 5, 1935, C. W. Forgey, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under bond, conditioned that they be cleaned in order to remove the deleterious substances.

W. R. GREGG, *Acting Secretary of Agriculture.*

25684. Adulteration and misbranding of Winesyrup. U. S. v. 268 Cartons of Winesyrup. Default decree of condemnation and destruction. (F. & D. no. 36598. Sample no. 33444-B.)

This case involved a product sold as a base for making various types of wine. Examination showed that it contained added glucose, that certain varieties contained added color, and that when used as directed it would produce an imitation wine.

On November 4, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 268 cartons of Winesyrup at Waukesha, Wis., alleging that the article had been shipped in interstate commerce on or about July 8, 1935, by Winesyrup, Ltd., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Winesyrup Red-Sweet Port Flavor-Type [or "Red-Sweet Concord", "Amber-Sweet Muscatel", "Amber-Sweet Sherry", "Sweet Orange", "Amber-Dry Sauterne", or "Red-Dry Burgundy"] * * * A Pure Food Product—Mfd. Only by Winesyrup, Ltd. Los Angeles, California."

The article was alleged to be adulterated in that a substance, glucose—and in the case of the port, sauterne, and orange—artificial color had been mixed and packed therewith so as to reduce and lower its quality, and in that a mixture of concentrated grape juice and glucose—the port and orange containing artificial color and the sauterne containing artificial color and sucrose—had been substituted for wine sirup. Adulteration was alleged for the further reason that the article had been mixed, and the port, sauterne and orange had also been colored, in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements on the label were false and misleading and tended to deceive and mislead the purchaser: "Winesyrup * * * Contents contain trace artificial color and flavor as used by wine-makers * * * Pure Food Product." Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of another article.

On December 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25685. Misbranding of wine. U. S. v. Forty 1-Gallon Bottles and One Hundred and Three 1/2-Gallon Bottles of Wine. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36602. Sample nos. 49905-B to 49908-B, incl.)

This case involved wine, which was labeled to convey the impression that it contained 21 percent of alcohol but which contained less than represented, samples having been found to analyze from 16.30 percent to 16.92 percent of alcohol by volume.

On November 6, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty 1-gallon bottles and one hundred and three 1/2-gallon bottles of wine at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about October 1, 1935, by the Monarch Wine Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Main bottle label) "Cavern Fine California Wine * * * Monarch Wine Company, New York, N. Y."; (neck band) "Not over 21% Alcohol By Volume."

The article was alleged to be misbranded in that the statement on the neck band, "Not Over 21% Alcohol By Volume", was misleading and tended to mislead and deceive the purchaser, when applied to a product containing less than that amount of alcohol.

On December 31, 1935, Isador Mahler, Perth Amboy, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25686. Misbranding of canned peas. U. S. v. 913 Cases of Canned Peas, and other libels. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 36603, 36616, 36708, 36716, 36717, 36770, 36879. Sample nos. 40140-B, 40141-B, 40142-B, 50535-B, 54068-B to 54072-B, incl.)

These cases involved canned peas which contained an excessive proportion of ruptured peas and, in certain lots, excessive packing medium, which were not labeled to indicate that they were substandard.

On November 6 and November 13, 1935, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,304 cases of canned peas at Charleston, W. Va. On December 5, 6, 10, and 26, 1935, libels were filed against 350 cases of canned peas at Philadelphia, Pa., 430 cases of the product at Camden, N. J., 124 cases at Trenton, N. J., and 200 cases at Newark, N. J. The libels alleged that the article had been shipped in interstate commerce between the dates of June 29 and November 27, 1935, in part by the Eastern Shore Canning Co., and in part by Thomas Roberts & Co., from Machipongo, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: "Eastern Shore Brand [or "Escco Brand"] Early June Peas * * * Packed by the Eastern Shore Canning Co., Machipongo, Va." The remainder was labeled: "Pride of the Farm Brand Early June Peas * * * Thomas Roberts & Co. Philadelphia, Pa., U. S. A., Distributor."

The libels charged that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and in that certain lots also fell below the standard of fill of container so promulgated, since the peas were not immature and certain lots were slack-filled, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On December 10, December 31, 1935, January 13 and February 5, 1936, the Eastern Shore Canning Co. and A. T. Leatherbury, having appeared as claimants for respective portions of the product, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

25687. Adulteration and misbranding of honey malt chocolate flavor. U. S. v. 309 Jars of Honey Malt Chocolate Flavor. Default decree of condemnation and destruction. (F. & D. no. 36604. Sample no. 42792-B.)

This product was sold as a chocolate-flavored mixture of honey and malt. Examination showed that it was a mixture of sugar, water, and cocoa, slightly flavored with honey and malt, also that it was short in weight.

On November 6, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 jars of honey malt chocolate flavor at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 6, 1935, by the Silver Label Products Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honey Malt Chocolate Flavor * * * Silver Label Prod. Co., Bklyn., N. Y., Net Wt. 1 Lb."

The article was alleged to be adulterated in that a mixture of sugar, water, and cocoa, slightly flavored with honey and malt had been substituted for a chocolate-flavored mixture of honey and malt, which the article purported to